

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

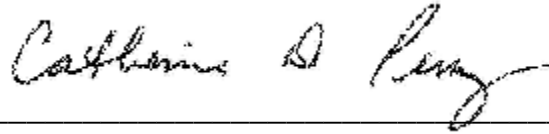
NICK FLITER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:05CV2002 CDP
	)	
WERNER ENTERPRISES, INC.,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

In accordance with my December 6, 2005 Memorandum and Order, plaintiff Nick Fliter has filed an amended affidavit stating that should this case be remanded, he will neither seek nor accept an amount to exceed \$75,000, exclusive of interest and costs. Because I believe this sworn statement is binding on Fliter in this Court, as well as any other court, and may be enforced through appropriate sanctions, I find that the jurisdictional amount in controversy requirement has not been met in this case. See Walsh v. J.B. Hunt Transport, Inc., 20 F.Supp.2d 1300, 1301 (E.D. Mo 1998) (remanding based on similar sworn affidavit from plaintiff); Corlew v. Denny's Restaurant, Inc., 983 F.supp. 878, 879 (E.D. Mo. 1997) (same).

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff Nick Fliter's motion to remand  
[#7] is granted and the Clerk of Court is directed to REMAND this case to the  
Circuit Court of the City of St. Louis, Missouri.

A handwritten signature in cursive script, reading "Catherine D. Perry". The signature is written in black ink and is positioned above a horizontal line.

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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 14th day of December, 2005.